

## Article

Sec. 1.

The City of Sacramento is hereby declared to be the seat of Government of this State, and shall so remain until changed by law; but no law changing the seat of Government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election under such regulations and provisions as the Legislature by a two thirds vote of each house may provide, submitting the question of change to the people.

Sec. 2.

Any Citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending shall not be allowed to hold any office of profit, or to enjoy the right of suffrage, under

this Constitution.

Sec 3. Members of the Legislature, <sup>and</sup> all officers, executive <sup>and</sup> judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take <sup>and</sup> subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of \_\_\_\_\_, according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

Sec 4. All officers <sup>or Commissioners</sup> whose election or appointment is not provided for by this Constitution, <sup>and</sup> all officers <sup>or duties</sup> whose office may hereafter be created by law, shall be elected by the people or appointed, as the Legislature may direct.

Sec 5. The fiscal year shall commence on the first day of July.

Sec 6. Suits may be brought against the State in such manner <sup>and</sup> in such Courts as shall be directed by law.

Sec 7. No contract of marriage shall be invalidated for want of conformity to the requirements of any religious sect;

But no marriage hereafter contracted in this State shall be valid between the parties thereto unless a public record thereof be made in such manner as may be provided by law.

Sec 8. All property, real and personal, owned by either husband or wife before marriage, <sup>and</sup> that acquired by either of them afterwards by gift, devise or descent, shall be their separate property.

Sec 9. No perpetuities shall be allowed except for eleemosynary purposes.

Sec 10 Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sec 11. Laws shall be made to exclude from office, serving on juries, <sup>and</sup> from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Sec 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

Sec 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

Sec 14. The Legislature shall provide by law for the maintenance and efficiency of a State Board of Health.

Sec 15. Mechanics, material men, artisans and laborers of every class, shall have a lien upon the property on which they have bestowed labor or furnished material, for the value of such labor done and material furnished:

And the Legislature shall provide by law, for the speedy and efficient enforcement of said liens,

Sec 16. The amount named in either a fire or marine insurance policy, shall be deemed to be the true value of the property insured, for insurance purposes.

Sec 17. When the term of any officer or commissioner is not provided for in this Constitution the term of such officer or commissioner may be declared by law. And if not so declared such officer or commissioner, shall hold their position as such officer or commissioner, during the pleasure of the authority making the appointment, but in no case shall such term exceed 4 years.

Sec 18.

No persons other than citizens, or those who have declared their intentions to become such, shall hereafter acquire or own either by purchase or otherwise, real property in this State, contrary to this provision, such property shall escheat to the State.

Nor shall any lands in this State be held in trust for any alien; but the creation of any trust in lands for the benefit of an alien shall at once escheat the land to the State.

Am No 535-  
Article  
- on -

Miscellaneous  
Subjects  
as Submitted  
by the Committee  
on  
Miscellaneous  
Subjects.

Deane  
Chairman

Jan'y 25. 79

Read ordered printed  
& referred to Com of  
the whole

Thos In  
and rev.

# Minority Report

Mr. President, The undersigned a minority of your committee on Miscellaneous Subjects, while agreeing in the main with the report of the majority herein, beg leave to submit their report recommending that the following additional provisions be incorporated in the Constitution.

Sec 1. Mechanics, Artisans, Laborers, Material men <sup>and</sup> Miners, shall have liens upon the Building Structure, mine or other improvement upon which they have performed labor or supplied material, for the value of the work done or material furnished.

And the Legislature shall provide by law for the speedy and efficient enforcement of such liens, making such building, structure, mine or other improvement, and the owner thereof responsible for such liens notwithstanding any payment, settlement or contract made by him with Contractors or sub-contractors, before such liens have been paid.



Sec 2. Eight hours shall constitute a legal days work.

Sec 3. All public work, State, County, City, and City and County, shall be done by the day, and no contract shall be allowed except for supplying of material.

Sec 4. The Legislature, at the first session after the adoption of this Constitution, shall provide by law, for the compilation and printing of a complete series of school text-books, all the necessary mechanical work connected therewith to be done in the State Printing office. The text-books thus compiled and printed shall constitute a uniform series of text-books to be used in the public schools of this State, after the first day of January eighteen hundred and eighty two, and shall be furnished to pupils at cost price.

The printing of the Codes and Statutes of the State shall also be done in the State Printing office.

Sec 5.

If any one who is a candidate for either House of the State Legislature shall publicly declare his intention to support, advocate, and vote for any particular measure or proposed law, and shall, after election, refuse to support, advocate, or vote for such measure or law, he shall be deemed guilty of a breach of trust; or if such a person make a public declaration that he will oppose, try to defeat, and vote against some particular measure or law, discussed before the people during his candidacy, and shall afterwards support, advocate, or vote for any such measure or law, he shall be deemed guilty of a breach of trust, and in either case he shall, upon the sworn complaint of any five of his constituents, be brought to trial before a jury in the District Court of the county in which he resides, and, if convicted as charged, he shall forthwith forfeit his office, be fined a thousand dollars, and be ineligible thereafter to any office of honor, trust, or profit in the State.

Sec 6.

The complaint provided for in the previous section shall be full and specific in its character, and among other necessary allegations allege that the complainants voted for the person complained of, and were induced to do so, in part, because of the public pledges given by him.

Sec 7.

A member of the Legislature, proceeded against as provided for in the two foregoing sections, can claim no exemption from prosecution on account of being a member of the Legislature.

Sec 8.

Any person who shall, directly or indirectly, offer, give, or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

Sec 9.

The offense of corrupt solicitation of members of the Legislature, or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

Sec 10.

~~Section 4~~ No person from whom a divorce has been obtained shall, during the lifetime of the person obtaining the divorce, be again allowed to contract a marriage; such divorces to be obtained by civil action, in the District Courts only, for causes provided by law.

Sec 11.

~~Section 5~~ No person possessing property, real, personal, or otherwise, and who has one or more direct heirs, shall ever be allowed to dispose of more than one-third of said property, either by will or gift, in favor of any other person, corporation, society, or association. The remaining two-thirds shall become the property of his heir or heirs. And any sales which may ~~be made during the life of the testator or owner, which shall be~~ prove illegal or fraudulent, of any part of said property, shall be declared null and void.

J. J. Farrell.  
J. P. McWilliam

R. Lavigne

Minority Report  
- of the -  
Committee on  
Miscellaneous  
Subjects.

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Jan'y 23. 79  
Read and ordered  
printed

Thos W  
West

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Amendment.

No. 535.

INTRODUCED BY COMMITTEE ON MISCELLANEOUS SUBJECTS.

JANUARY 25<sup>TH</sup>, 1879.

READ, ORDERED PRINTED, AND REFERRED TO COMMITTEE OF THE WHOLE.

ARTICLE —.

SECTION 1. The City of Sacramento is hereby declared to be the seat  
2 of government of this State, and shall so remain until changed by law ; but  
3 no law changing the seat of government shall be valid or binding, unless the  
4 same be approved and ratified by a majority of the qualified electors of the  
5 State voting therefor at a general State election, under such regulations and  
6 provisions as the Legislature by a two-thirds vote of each House may provide,  
7 submitting the question of change to the people.

SEC. 2. Any citizen of this State who shall, after the adoption of this  
2 Constitution, fight a duel with deadly weapons, or send or accept a challenge  
3 to fight a duel with deadly weapons, either within this State or out of it, or  
4 who shall act as second, or knowingly aid or assist in any manner those thus  
5 offending, shall not be allowed to hold any office of profit, or to enjoy the  
6 right of suffrage under this Constitution.

SEC. 3. Members of the Legislature, and all officers, executive and  
2 judicial, except such inferior officers as may be by law exempted, shall, before

Adapted

Amend by inserting in line 5,  
after the word "offending", as  
follows:

"Or engage in a prize fight."

By Morse

adapted

3 they enter upon the duties of their respective offices, take and subscribe the  
4 following oath or affirmation :

5 "I do solemnly swear (or affirm, as the case may be,) that I will sup-  
6 port the Constitution of the United States and the Constitution of the State  
7 of California, and that I will faithfully discharge the duties of the office of  
8 —, according to the best of my ability."

9 And no other oath, declaration, or test, shall be required as a qualifica-  
10 tion for any office or public trust.

SEC. 4. All officers or Commissioners, whose election or appointment  
2 is not provided for by this Constitution, and all officers or Commissioners,  
3 whose office or duties may hereafter be created by law, shall be elected by the  
4 people, or appointed, as the Legislature may direct.

SEC. 5. The fiscal year shall commence on the first day of July.

SEC. 6. Suits may be brought against the State in such manner and  
2 in such Courts as shall be directed by law.

SEC. 7. No contract of marriage shall be invalidated for want of con-  
2 formity to the requirements of any religious sect. But no marriage hereafter  
3 contracted in this State shall be valid between the parties thereto unless a  
4 public record thereof be made in such manner as may be provided by law.

SEC. 8. All property, real and personal, owned by either husband or  
2 wife before marriage, and that acquired by either of them afterwards by gift,  
3 devise or descent, shall be their separate property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary  
2 purposes.

*Subscribed  
of Barrios  
Adopted*

Substitute for Section 7

Strike out section 7, and insert the following.

No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

Offered by Mr Barry

adopted



SEC. 10. Every person shall be disqualified from holding any office  
2 of profit in this State who shall have been convicted of having given or offered  
3 a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries,  
2 and from the right of suffrage, those who shall hereafter be convicted of brib-  
3 ery, perjury, forgery, or other high crimes. The privilege of free suffrage  
4 shall be supported by laws regulating elections and prohibiting, under ade-  
5 quate penalties, all undue influence thereon from power, bribery, tumult or  
6 other improper practice.

*Byes  
Amended*

SEC. 12. Absence from this State, on business of the State or of the  
2 United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute  
2 a choice, where not otherwise directed in this Constitution.

SEC. 14. The Legislature shall provide, by law, for the maintenance  
2 and efficiency of a State Board of Health.

SEC. 15. Mechanics, material men, artisans, and laborers of every  
2 class, shall have a lien upon the property upon which they have bestowed  
3 labor or furnished material, for the value of such labor done and material  
4 furnished; and the Legislature shall provide, by law, for the speedy and effi-  
5 cient enforcement of said liens.

*Barbour  
Amended  
ad*

SEC. 16. The amount named in either a fire or marine insurance  
2 policy shall be deemed to be the true value of the property insured for  
3 insurance purposes.

*- Stricken out one motion  
of Campbell*

anywhere sec 11

Strike out the words: "Those who  
shall hereafter be" <sup>in 25 lines</sup> and insert the  
word "Persons"

adopted

Agues

Barbara Collett

Amend Sec 15 by substituting therefor  
the following

SECTION 15 Mechanics, artisans, laborers, material men, and miners shall have liens upon the building, structure, mine, or other improvement upon which they have performed labor or supplied material, for the value of the work done or material furnished. And the Legislature shall provide by law for the speedy and efficient enforcement of such liens, making such building, structure, mine, or other improvement, and the owner thereof, responsible for such liens notwithstanding any payment, settlement, or contract made by him with contractors or sub-contractors before such liens have been paid.

Barbarn added

Provided that such  
claim of lien  
shall be filed in  
the office of the County  
Recorder within  
fifty days after the  
completion of such  
building structure  
or work or the furnishing  
of such material

SEC. 17. When the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be declared by law; and, if not so declared, such officer or Commissioner shall hold <sup>his</sup> ~~their~~ position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.

SEC. 18. No persons other than citizens, or those who have declared their intentions to become such, shall hereafter acquire or own, either by purchase or otherwise, real property in this State contrary to this provision—such property shall escheat to the State; nor shall any lands in this State be held in trust for any alien; but the creation of any trust in lands for the benefit of an alien shall at once escheat the land to the State.

*Struck out on motion  
of Mr. Ayers*

Am. Sec 17 by striking  
out the word "cheer" in 1<sup>st</sup> line  
and inserting in lieu thereof the  
word "his" Adopted = Hilborn

New  
Section, ~~§~~ Eight hours shall constitute  
a legal days work on all public  
work by Joyce

Adopted

lawful  
or prop

ad

new Section

No person shall  
on account of sex  
be disqualified to enter  
upon and pursue any  
lawful business - vocations  
or professions.

Ringgold  
adopted

Add the following section to article  
on Miscellaneous Subjects:

Sec. Nothing in this constitution shall  
prevent the Legislature from providing by  
law for the payment of the expenses of this  
Convention including the per diem of the  
delegates for the full term of said Convention.

Done  
adopted - 58 - 33

Original Miscellaneous  
Subjects



*Secy Copy*

Amendment.

No. 535.

INTRODUCED BY COMMITTEE ON MISCELLANEOUS SUBJECTS.

JANUARY 25TH, 1879.

AS AMENDED IN *Convention & ordered*  
~~COMMITTEE OF THE WHOLE~~

*Engrossed for a 2<sup>d</sup> Reading July 20<sup>th</sup>*

ARTICLE —

SECTION 1. The City of Sacramento is hereby declared to be the seat  
2 of government of this State, and shall so remain until changed by law; but  
3 no law changing the seat of government shall be valid or binding, unless the  
4 same be approved and ratified by a majority of the qualified electors of the  
5 State voting therefor at a general State election, under such regulations and  
6 provisions as the Legislature by a two-thirds vote of each House may provide,  
7 submitting the question of change to the people.

SEC. 2. Any citizen of this State who shall, after the adoption of this  
2 Constitution, fight a duel with deadly weapons, or send or accept a challenge  
3 to fight a duel with deadly weapons, either within this State or out of it, or  
4 who shall act as second, or knowingly aid or assist in any manner those thus  
5 offending, shall not be allowed to hold any office of profit, or to enjoy the  
6 right of suffrage under this Constitution.

Section two, as amended by Mr. Morse, and adopted:

[SEC. 2. Any citizen of this State who shall, after the adoption of this  
2 Constitution, fight a duel with deadly weapons, or send or accept a challenge

*Concurrence*

3 to fight a duel with deadly weapons, either within this State or out of it, or  
4 who shall act as second, or knowingly aid or assist in any manner those thus  
5 offending, or engage in a prize fight, shall not be allowed to hold any office of  
6 profit, or to enjoy the right of suffrage under this Constitution.]

SEC. 3. Members of the Legislature, and all officers, executive and  
2 judicial, except such inferior officers as may be by law exempted, shall, before  
3 they enter upon the duties of their respective offices, take and subscribe the  
4 following oath or affirmation :

5 "I do solemnly swear (or affirm, as the case may be,) that I will sup-  
6 port the Constitution of the United States and the Constitution of the State  
7 of California, and that I will faithfully discharge the duties of the office of  
8 —, according to the best of my ability."

9 And no other oath, declaration, or test, shall be required as a qualifica-  
10 tion for any office or public trust.

SEC. 4. All officers or Commissioners, whose election or appointment  
2 is not provided for by this Constitution, and all officers or Commissioners,  
3 whose office or duties may hereafter be created by law, shall be elected by the  
4 people, or appointed, as the Legislature may direct.

SEC. 5. The fiscal year shall commence on the first day of July.

SEC. 6. Suits may be brought against the State in such manner and  
2 in such Courts as shall be directed by law.

SEC. 7. No contract of marriage shall be invalidated for want of con-  
2 formity to the requirements of any religious sect. But no marriage hereafter  
3 contracted in this State shall be valid between the parties thereto unless a  
4 public record thereof be made in such manner as may be provided by law.

amend Sec 2 as follows.

Strike out of line 5 the words  
"or engage in a prize fight."

adopted

Cross

Substitute for section seven offered by Mr. Barry, and adopted :

[SEC. 7. No contract of marriage, if otherwise duly made, shall be  
2 invalidated for want of conformity to the requirements of any religious sect.]

SEC. 8. All property, real and personal, owned by either husband or  
2 wife before marriage, and that acquired by either of them afterwards by gift,  
3 devise or descent, shall be their separate property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary  
2 purposes.

SEC. 10. Every person shall be disqualified from holding any office  
2 of profit in this State who shall have been convicted of having given or  
3 offered a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries,  
2 and from the right of suffrage, those who shall hereafter be convicted of brib-  
3 ery, perjury, forgery, or other high crimes. The privilege of free suffrage  
4 shall be supported by laws regulating elections and prohibiting, under ade-  
5 quate penalties, all undue influence thereon from power, bribery, tumult or  
6 other improper practice.

Section eleven, as amended by Mr. Ayers, and adopted :

[SEC. 11. Laws shall be made to exclude from office, serving on juries,  
2 and from the right of suffrage, persons convicted of bribery, perjury, forgery,  
3 or other high crimes. The privilege of free suffrage shall be supported by  
4 laws regulating elections and prohibiting, under adequate penalties, all undue  
5 influence thereon from power, bribery, tumult or other improper practice.]

SEC. 12. Absence from this State, on business of the State or of the  
2 United States, shall not affect the question of residence of any person.

Comp

Amendment to Section 11.

Insert after the word "forgery", ~~and~~  
2nd second line, and before the word "or",  
third line, the words:

"malfeasance in office,"

O'Sullivan,

SEC. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

SEC. 15. Mechanics, material men, artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material, for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of said liens.

Section fifteen, as amended by Mr. Barbour, and adopted:

*Not concerned in*

[SEC. 15. Mechanics, artisans, laborers, material men, and miners shall have liens upon the building, structure, mine, or other improvement upon which they have performed labor or supplied material, for the value of the work done or material furnished. And the Legislature shall provide by law for the speedy and efficient enforcement of such liens, making such building, structure, mine, or other improvement, and the owner thereof, responsible for such liens notwithstanding any payment, settlement, or contract made by him with contractors or sub-contractors before such liens have been paid; *provided*, that such claim of lien shall be filed in the office of the County Recorder within sixty days after the completion of such building, structure, or work, or the furnishing of such material.]

SEC. 16. The amount named in either a fire or marine insurance policy shall be deemed to be the true value of the property insured for insurance purposes.

Section sixteen was stricken out on motion of Mr. Campbell.

*Concurrence*

Duplicate

Amend Sec 18 as follows  
Strike out the word "lien" in line  
7 and insert in lieu thereof the words  
"value of work ~~material~~ done on  
material furnished"

goes off Herrington

Con

Dec 15-

Amend by striking  
out the words "And the owner  
thereof" in line 6 - also in  
line 8 - Strike out the word  
"him" and insert "the owner"

Tan Dyke

Adopted

gone off



SEC. 17. When the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be declared by law; and, if not so declared, such officer or Commissioner shall hold their position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.

Section seventeen, as amended by Mr. Hilborn, and adopted:

[SEC. 17. When the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be declared by law; and, if not so declared, such officer or Commissioner shall hold his position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.]

SEC. 18. No persons other than citizens, or those who have declared their intentions to become such, shall hereafter acquire or own, either by purchase or otherwise, real property in this State contrary to this provision—such property shall escheat to the State; nor shall any lands in this State be held in trust for any alien; but the creation of any trust in lands for the benefit of an alien shall at once escheat the land to the State.

On motion of Mr. Ayers section eighteen was stricken out.

New section added, on motion of Mr. Joyce, and adopted:

SEC. 19. Eight hours shall constitute a legal day's work on all public work.

On motion of Mr. Ringgold the following new section was adopted:

SEC. 20. No person shall, on account of sex, be disqualified to enter upon and pursue any lawful business, vocation, or profession.

The following new section was adopted on motion of Mr. Dean :

SEC. 21. Nothing in this Constitution shall prevent the Legislature  
2 from providing, by law, for the payment of the expenses of this Conven-  
3 tion, including the per diem of the Delegates for the full term of said Conven-  
4 tion.

*Concurred in*

New Section.

See - Elections of the Officers  
provided for by this Constitution  
<sup>except at the election in the year 1879</sup>  
shall be held on the ~~first~~ Tuesday  
after the first Monday in No-  
vember in the even numbered years  
next before the expiration of their  
respective terms. The terms of such  
officers shall commence on the first  
~~Monday~~ <sup>Tuesday after the 1st Monday</sup> in January next fol-  
lowing their election.

Moreland.

Hager

Shook out Monday  
and want the first  
"Tuesday after the first  
Monday" in January  
adopted

## MISCELLANEOUS SUBJECTS.

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As Amended in Convention, and Ordered Engrossed for a Second  
Reading, February 20th, 1879.

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### ARTICLE —.

#### MISCELLANEOUS SUBJECTS.

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law ; but no law changing the seat of government shall be valid or binding, unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each House, may provide, submitting the question of change to the people.

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"I do solemnly swear (or affirm, as the case may be,) that I will support

the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of —, according to the best of my ability.”

And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.

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SEC. 17. Eight hours shall constitute a legal day's work on all public work.

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of this Convention, including the per diem of the Delegates for the full term of said Convention.

SEC. 20. Elections of the officers provided for by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Tuesday after the first Monday in January next following their election.

Report of Phy Committee on

Mis. Subj

Miscellaneous Subjects,

Correctly engrossed.

J. J. Ayres.

Feb 26/79

Reported, Correctly  
Engrossed,

E. F. Smith  
Secy

February 27, 1879.

Read a second time,  
adopted, and referred  
to Committee on Revision  
and Adjustment.

J. W. Wright  
Asst. Secretary.